

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Ordinance
ZB(TXT) 7-1-01, Town of Davie

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The Davie Agricultural Advisory Board had recommended that Town Council delete Section 12-34(B) Agriculture in it's entirety from the Land Development Code. On July 3, 2001 Town Council directed the staff to process the amendment in addition to the proposed deletion. Several iterations have been proposed and are attached as back up material to this item.

PREVIOUS ACTIONS: Town Council tabled the item from the September 6, 2001 to the September 19, 2001 meeting (5-0).

Town Council tabled the item from the September 19, 2001 to the November 7, 2001 meeting (5-0).

CONCURRENCES:

The Planning and Zoning Board, sitting as the Local Planning Agency, tabled the item to its September 12, 2001 meeting (4-0 Mr. Bender absent).

The Planning and Zoning Board, sitting as the Local Planning Agency, tabled the item to the October 10, 2001 meeting in order to have staff, Agricultural Advisory Board members, and the Town Attorney meet to draft revisions to the Code (5-0).

The Planning and Zoning Board, sitting as the Local Planning Agency, at its October 10, 2001 meeting recommended deletion of Section 12-34(B) with the stipulation that another ordinance would be simultaneously installed in its place (4-0 Mr. Waitkus absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to amend Section 12-34(B)

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the Code of Ordinances be amended to delete Section 12-34(B) Agriculture;

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on August 22, 2001; and

WHEREAS, the Town Council of the Town of Davie held public hearings on September 19, 2001 and October 3, 2001.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That Section 12-34(B) Agriculture, of the Town Code is amended to read as follows:

~~(B) Agriculture:~~

~~(1) That portion of any structure containing not more than three (3) stalls a maximum of twelve (12) feet by twelve (12) feet, a tack room, and feed room, used for housing or feeding livestock shall be at least forty (40) feet from any other property under separate ownership, from any public road right of way or any existing structure. For each additional stall not to exceed twelve (12) feet by twelve (12) feet, an additional ten (10) foot setback shall be required, to a maximum setback of one hundred (100) feet.~~

~~(2) Dude ranches, riding stables, livery stables, breeding, and boarding stables are permitted in the RR, AG, and A-1 districts by special permit issued pursuant to Article X, and are limited to a maximum of eight (8) horses per acre.~~

~~(3) In the RR, AG, A-1, RO, O, CC, B-1, B-2, B-3, M-1, M-2, and M-3 districts, permitted livestock is limited to a total of four (4) livestock on a minimum thirty five thousand (35,000) square foot plot, including cattle, horses, sheep and goats. Ten (10) rabbits and/or twenty five (25) poultry are permitted on a minimum thirty five thousand (35,000) square foot plot, provided however, that the poultry and rabbits are in a completely penned area.~~

~~(4) In the R-1 district, permitted livestock is limited to four (4) livestock on a minimum thirty five thousand (35,000) square foot plot, including cattle, horses, sheep and goats, ten (10) rabbits and/or five (5) poultry; provided, that two (2) additional livestock may be kept for each thirty five thousand (35,000) square feet in excess of the minimum required plot size; and, further provided, that the poultry and rabbits are in a completely penned area.~~

~~(5) In the RR, AG, and A-1 districts, cattle and dairy farms are permitted pursuant to a minimum parcel size requirement of two and one half (2 1/2) acres. Pasture rental is a permitted use in the RR, AG and A-1 districts limited to a maximum of two (2) livestock on a minimum thirty five thousand (35,000) square foot plot and subject to the maximum number of livestock permitted within the district.~~

~~(6) In the R-1 district, pasture rental is limited to a maximum of two (2) livestock on a minimum thirty five thousand (35,000) square foot plot and subject to the maximum number of livestock permitted within the district.~~

~~(7) In the RR, AG, and A-1 districts, retail sales shall be limited to agricultural products grown on-site, and shall be limited to a maximum of twenty five percent of the allowable building space on the site.~~

~~(8) In the RR, AG, and A-1 districts, beekeeping is permitted on a minimum plot of five (5) acres, provided the hives are to be located a minimum of one hundred (100) feet from all property lines.~~

~~(9) Aviaries, roofed hutches, dog houses and dog runs shall be a minimum of forty (40) feet from all property lines in the RR, AG, A-1, R-1, R-2, CC, RO, O, B-1, B-2, and B-3 districts. Roofed hutches, dog houses and dog runs are not permitted within required setbacks in the R-3, R-4 or R-5, RM-5, RM-8, RM-10 districts. Aviaries are not permitted in the R-3, R-4, or R-5 districts.~~

~~(10) In the RR, AG, and A-1 districts, an animal hospital and/or clinic facility may be permitted, subject to the following limitations:~~

~~(a) There shall be adequate soundproofing in any area where animals are contained or treated.~~

~~(b) There shall be no overnight boarding, except in conjunction with medical needs associated with animal hospitals or clinic activities. Exterior runs, cages or exercise areas on a minimum parcel size of three (3) acres may be permitted subject to the following limitations:~~

~~1. Setbacks for exterior runs, cages, or exercise areas for all animals shall be at least fifty (50) feet from all property lines.~~

~~2. That the construction of exterior runs, cages, or exercise areas for small animals such as dogs and cats, incorporate concrete block walls to minimize noise and other disturbances to adjoining properties. Exterior exercise areas for large animals such as horses and cattle shall be enclosed by a fence a minimum of five (5) feet in height.~~

~~3. That the property provides a landscape buffer pursuant to Section 12-107(D)(3) of this chapter.~~

~~(c) A boarding stable may be permitted pursuant to a special permit issued in accordance with Article X and subject to limitations contained in subsection (2) above.~~

~~(d) Kennel facilities as an ancillary use of the animal hospital or clinic facility may be permitted subject to the limitations as specified in subsection (11) below.~~

~~(11) In the RR, AG, and A-1 districts, animal kennel facilities may be permitted, subject to the following limitations:~~

~~(a) There shall be adequate soundproofing in any area where animals are contained or treated.~~

~~(b) There shall be a minimum parcel size of three (3) acres.~~

~~(c) All activities shall be conducted indoors, except that exterior runs, cages or exercise areas may be permitted pursuant to a special permit issued in accordance with Article X; and provided that a site plan submitted with the special permit request reflects the following:~~

~~1. Setbacks for exterior runs, cages or exercise areas of at least fifty (50) feet from all property lines.~~

~~2. That the construction of exterior runs, cages or exercise areas incorporate concrete block walls to minimize noise and other disturbance to adjoining properties.~~

~~3. That the property provides a landscape buffer, pursuant to Section 12-107(D)(3) of this chapter.~~

~~(12) Agricultural uses such as cultivation of crops, groves, thoroughbred and pleasure horses, cattle ranches are permitted in the CC, B-1, B-2, B-3, M-1, M-2, M-3 and RO districts provided the land is free of commercial or industrial structures and such agricultural uses are discontinued upon conversion of the property to an urban use.~~

~~(13) In the RR, AG, and A-1 districts, fish hatcheries are permitted subject to the following limitations:~~

~~(a) There shall be a minimum parcel size of two (2) acres.~~

~~(b) Setbacks for ancillary equipment and structures of at least fifty (50) feet from all property lines.~~

~~(14) Keeping or raising of pigs or hogs shall be prohibited in all zoning districts.~~

~~(15) Raising of horses, cattle, goats, sheep, poultry and rabbits is not permitted in any residential zoning district, except for RR, AG, A 1, and R 1.~~

(B) Reserved.

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.